IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4972 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT
and
Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

HANSABEN DUDABHAI VADHERA

Appearance:

1. First Appeal No. 4972 of 2001
   MR HS MUNSHAW for Petitioner No. 1
   MR PC KAVINA for Respondent No. 1
   NOTICE NOT RECD BACK for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT
and
MR.JUSTICE M.H.KADRI

Date of decision: 18/01/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. Heard learned counsel for the appellant and

learned counsel for respondent No.1-original claimant.

2. Appeal is admitted. Learned advocate Mr.P.C. Kavina, appears for respondent No.1-original claimant and waives service of notice in the appeal. On a joint request of the learned counsel for the parties, this appeal is taken up for hearing today.

3. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 at the instance of the Gujarat State Road Transport Corporation, being the owner of the bus involved in the accident, challenging the judgment and award dated 12th March 2001 passed by the Motor Accident Claims Tribunal (Main), Rajkot, in M.A.C. Petition No.601 of 1998.

4. The only point urged before us is as regards rate of interest awarded by the Tribunal upon the amount of compensation determined by it. The Tribunal, after determining the amount of compensation on the merits of the case, has directed that the appellant shall also pay interest on the said amount of compensation at the rate of 15% per annum from the date of claim petition till the date of realisation with proportionate costs. As aforesaid, the appellant challenges only the rate of interest awarded on the quantum of compensation determined by the Tribunal.

5. As a result of the hearing and discussion, in the context of the limited controversy, a consensus has been arrived at between the learned counsel for the parties to the effect that the Court may allow only such interest on the usual parameters normally followed in such matters and according to similar orders having been passed earlier.

6. In light of the above consensus, we hold and direct that the first respondent-original claimant shall be entitled to interest on the amount of compensation awarded by the Tribunal under the impugned award at the rate of 12% per annum from the date of claim petition upto 31st December 1999 and at the rate of 9% thereafter till realisation.

7. The impugned judgment and award are modified only to the aforesaid extent and the rest of the award stands confirmed.

8. This appeal is, therefore, partly allowed to the aforesaid extent with no order as to costs. Decree be drawn accordingly.

January 18, 2002 (Y.B. Bhatt, J.)

(M.H. Kadri, J.)

(swamy)